

AMENDED IN SENATE MAY 9, 2006

AMENDED IN SENATE APRIL 6, 2006

AMENDED IN ASSEMBLY MAY 9, 2005

AMENDED IN ASSEMBLY APRIL 28, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1012

Introduced by Assembly Member Nation
(Coauthors: Assembly Members Koretz, Laird, and Pavley)

February 22, 2005

An act to add ~~Article 7 (commencing with Section 43870)~~ *Article 7.1 (commencing with Section 43885* to Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, relating to vehicular air pollution control.

LEGISLATIVE COUNSEL'S DIGEST

AB 1012, as amended, Nation. Vehicular air pollution control: clean alternative fuels for motor vehicles.

(1) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law requires the state board to establish, by regulation, various standards for gasoline and motor vehicle fuel.

Existing law requires that, not later than June 30, 2007, the State Energy Resources Conservation and Development Commission, in partnership with the state board, and in consultation with specified

state agencies, develop and adopt a state plan to increase the use of alternative fuels, as defined.

This bill would require the state board, by January 1, 2008, to develop and adopt regulations that would become operative no later than January 1, 2010, to increase the use of clean alternative fuels, as defined, for motor vehicles.

Existing law generally provides that a violation of ~~any rule, regulation, or law~~ *various laws, rules, and regulations*, relating to air pollution is a crime.

Because the bill would require the state board to adopt regulations the violation of which would be a crime, the bill would impose a state-mandated local program by creating a new crime.

(2)The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Article 7 (commencing with Section 43870)~~
2 *Article 7.1 (commencing with Section 43885)* is added to Chapter
3 4 of Part 5 of Division 26 of the Health and Safety Code, to read:

4
5 Article 7. Alternative Fuels for Motor Vehicles

6
7 ~~43870.~~
8 *43885.* The Legislature finds and declares all of the
9 following:

10 (a) The production, marketing, and use of petroleum fuels in
11 the state causes significant degradation of public health and
12 environmental quality due to the release of air pollution,
13 including greenhouse gas emissions, and water pollutants.

14 (b) Clean, alternative fuels have the potential to considerably
15 reduce these impacts and are important strategies for the state to
16 attain its air and water quality goals.

1 (c) Research, development, and commercialization of
2 alternative fuels in the state have the potential to strengthen the
3 state's economy by providing job growth and helping to reduce
4 the state's vulnerability to petroleum price volatility.

5 (d) Dependence on foreign oil represents a threat to the
6 long-term security and economic stability of California and the
7 nation.

8 (e) Reducing petroleum use is technically feasible and
9 economically justifiable, because the State Energy Resources
10 Conservation and Development Commission and the state board
11 have previously recommended, in their August 2003 report to the
12 Legislature, "Reducing California's Petroleum Dependency,"
13 that the state adopt a goal of 20 percent nonpetroleum fuel use by
14 2020, and 30 percent use by 2030.

15 *43886. This article shall be known, and may be cited, as the*
16 *Foreign Oil Independence Act of 2006.*

17 ~~43872.~~

18 ~~43887.~~ (a) For purposes of this ~~chapter~~ article, "clean
19 alternative fuel" means any fuel used as the certification fuel in a
20 low-emission vehicle, other than primary gasoline or diesel fuel,
21 used in exhaust emission-certification testing pursuant to the
22 state board's Exhaust Emission Standards and Test Procedures
23 for 2004 and subsequent Model Passenger Cars, Light-Duty
24 Trucks, and Medium Duty Vehicles, as incorporated by reference
25 in Section 1961 of Title 13 of the California Code of
26 Regulations.

27 (b) "Clean alternative fuel" includes ethanol blends containing
28 at least 85 percent ethanol by volume that meet the requirements
29 of subdivision (a).

30 (c) "Clean alternative fuel" includes biodiesel fuel containing
31 20 percent ethanol by volume that meets the requirements of
32 subdivision (a).

33 (d) "Clean alternative vehicles" includes electric and plug-in
34 hybrid vehicles with a minimum 20 mile all-electric range.

35 ~~43874.~~

36 ~~43888.~~ (a) By January 1, 2008, the state board shall develop
37 and adopt regulations that shall become operative not later than
38 January 1, 2010, to increase the use of clean alternative fuels for
39 motor vehicles, that do all of the following:

1 (1) Ensure that the total societal benefits exceed the total
2 societal costs.

3 (2) Consider the technological feasibility of the regulations.

4 (3) Ensure that there is no net increase in emissions of
5 greenhouse gases, toxic air contaminants, criteria air pollutants,
6 water pollutants, or any other substances that are known to
7 damage human health.

8 (b) The regulations adopted pursuant to subdivision (a) shall, ~~at~~
9 *do all of the following:*

10 (1) *Increase*, at a minimum and to the extent feasible, ~~increase~~
11 *the use of clean alternative fuels for motor vehicles to achieve all*
12 *both* of the following:

13 ~~(1)~~

14 (A) By January 1, 2011, ~~_____~~ percent of 25 new passenger
15 vehicles and light duty trucks offered for sale in California shall
16 be capable of operating on clean alternative fuels.

17 ~~(2)~~

18 (B) By January 1, 2020, ~~_____~~ percent of *all* new passenger
19 vehicles and light duty trucks offered for sale in California shall
20 be capable of operating on clean alternative fuels.

21 ~~(3) By January 1, 2030, _____ percent of new passenger vehicles~~
22 ~~and light duty trucks offered for sale in California shall be~~
23 ~~capable of operating on clean alternative fuels.~~

24 ~~(e) The regulations shall include~~

25 (2) *Include* compliance options for eligible clean alternative
26 fuels and vehicles that take into account their relative societal
27 benefits, including all of the following:

28 ~~(1)~~

29 (A) Reduction in criteria pollutants.

30 ~~(2)~~

31 (B) Reduction in air toxics.

32 ~~(3)~~

33 (C) Reduction in climate change emissions, including carbon
34 dioxide, methane, nitrous oxide, hydrofluorocarbons,
35 perfluorocarbons, and sulfur hexafluoride.

36 ~~(4)~~

37 (D) Reduction in petroleum use.

38 ~~(5)~~

39 (E) Likelihood that the vehicle will actually use non-petroleum
40 fuels.

1 ~~(6)~~

2 (F) Use of advanced vehicle technologies.

3 ~~(7)~~

4 (G) Near-term fueling infrastructure availability.

5 ~~(8)~~

6 (H) Use of technologies that provide a technological bridge to
7 zero-emission technologies that utilize renewable fuels.

8 (3) *Ensure, pursuant to Chapter 8 (commencing with Section*
9 *2300) of Division 3 of Title 13 of the California Code of*
10 *Regulations, that a clean alternative fuel is made available*
11 *statewide at retail outlets whenever the state board determines*
12 *that the required number of motor vehicles capable of using that*
13 *fuel has been reached.*

14 ~~(d) The regulations~~

15 (c) *The regulations adopted pursuant to this section shall*
16 *apply only to a motor vehicle manufactured after December 31,*
17 *2010.*

18 ~~(e) The board shall, to the extent necessary, adopt regulations~~
19 ~~to ensure that fueling stations are sufficiently equipped to meet~~
20 ~~the needs of drivers using clean alternative fuels for motor~~
21 ~~vehicles.~~

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the
27 penalty for a crime or infraction, within the meaning of Section
28 17556 of the Government Code, or changes the definition of a
29 crime within the meaning of Section 6 of Article XIII B of the
30 California Constitution.